

# **Zoning Regulations**

## **Town of Voluntown, Connecticut**

Prepared for the Voluntown Planning & Zoning Commission  
by the  
Southeastern Connecticut Council of Governments  
**139 Boswell Avenue, Norwich, Connecticut 06360**

**Revised: March 15, 2001**

ZONING REGULATIONS  
Town of Voluntown

TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>
1. TITLE, AUTHORITY, AND PURPOSE .....	1
2. DEFINITIONS .....	1
3. ADMINISTRATION AND PROCEDURES .....	5
4. ZONING DISTRICTS .....	8
5. VILLAGE DISTRICT REGULATIONS .....	9
5A. VILLAGE COMMERCIAL OVERLAY REGULATIONS .....	11
6. RURAL DISTRICT REGULATIONS .....	13
7. MAJOR DEVELOPMENT DISTRICT REGULATIONS .....	15
8. SUPPLEMENTARY REGULATIONS .....	17
9. SPECIAL EXCEPTIONS .....	20
10. SITE PLAN REQUIREMENTS .....	29
11. SIGNS .....	32
12. NON-CONFORMING USES, BUILDINGS AND LOTS .....	33
13. APPEALS .....	34
14. AMENDMENTS .....	34
15. SEPARABILITY .....	35
16. EFFECTIVE DATE .....	35
Application for a Zoning Permit .....	36
Application for a Special Exception .....	36
Zoning Map .....	37

**ZONING REGULATIONS**  
**TOWN OF VOLUNTOWN, CONNECTICUT**

**SECTION 1: TITLE, AUTHORITY, AND PURPOSE**

1.1 These regulations shall be known as the "Zoning Regulations of the Town of Voluntown, Connecticut," and are herein referred to as "these Regulations."

1.2 These Regulations have been prepared in accordance with provisions of Chapter 124 of the Connecticut General Statutes, 1958 Revision, as amended.

1.3 The purpose of these Regulations is to protect the public safety, convenience and property values, and are intended to lessen congestion in the streets; to secure safety from fire, panic, flood and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population and to facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements; to protect historic factors; protect existing and potential public surface and ground drinking water supplies; to control erosion and sedimentation; and to encourage the use of solar and other renewable forms of energy and energy conservation.

**SECTION 2: DEFINITIONS**

Certain words and terms used in these Regulations shall have the meanings presented in this section. All words used in the present tense include the future tense. The word "used" shall be deemed also to include "designed, intended, or arranged to be used."

2.1 **Accessory Use or Building.** A use or building on the same lot width, and of a nature incidental or subordinate to, the principal use or building.

2.2 **Amusement Game Arcade.** Three (3) or more amusement game machines in the same place, location or premises.

2.3 **Amusement Game Machine.** A coin-operated machine or device which, whether mechanical, electrical or electronic, shall be ready for play by the insertion of a coin, and may be operated by the public for use as a game, entertainment or amusement, the object of which is to achieve either a high or low score, which, by comparison to the score of other players whether playing concurrently or not, demonstrates relative skill or competence, or indicates in any other way competitive advantage of one player or team over another, regardless of skill or competence. It shall include devices such as pinball machines or any device which utilizes a

video tube to reproduce symbolic figures and lines intended to be representative of real games or activities.

2.4 **Antenna.** A device used to receive or transmit electromagnetic waves. Examples include, but are not limited to whip, panel, and dish antennas.(7/1/98)

2.5 **Building.** A structure enclosed within exterior walls, built, erected and framed of component structural parts, designed for the housing, shelter, enclosure and support of individuals, animals or property of any kind.

2.6 **Cemeteries.** (1/1/90) A place for the burial of the dead.

2.7 **Co-location.** Locating wireless communication facilities of more than one provider on a single site.(7/1/98)

2.8 **Commercial Recreation Facility.** (8/17/92) The use of a building or space for recreation activities, other than those otherwise specifically prescribed by these Regulations, which may or may not involve equipment or apparatus and where a fee is charged for participation in such activities.

2.9 **Commission.** The Planning and Zoning Commission of the Town of Voluntown.

2.10 **Dwellings, Multiple-Family.** A residential building designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

2.11 **Dwelling, Single-Family.** A detached residential dwelling unit, other than a mobile home, designed for occupancy by one (1) family only.

2.12 **Dwelling, Two-Family.** A detached residential building containing two (2) dwelling units, designed for occupancy by not more than two (2) families.

2.13 **Dwelling Unit.** One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner or renter occupancy, and containing independent cooking, sleeping facilities and sanitary facilities.

2.14 **Elderly Housing.** Dwelling units specially designed for the use and occupancy of married couples or single individuals who are retired or disabled.

2.15 **Excavation.** (1/1/90) The excavation, grading, depositing (7/1/98), or removal of earth material, including, but not limited to, topsoil, sand, gravel, clay or stone, which involves more than 100 cubic yards of material in a single calendar year, except in connection with (a) a bonafide construction project for which a zoning permit has been issued; (b) a subdivision approved by the Commission; or (c) farming conducted on the same property or adjacent property, provided no such material is sold to another and no more than 400 cubic yards of material is removed in any one (1) calendar year.

2.16 **Family**. One or more persons occupying a single dwelling unit provided that no such family shall contain more than four (4) persons unrelated by blood, marriage, legal adoption or foster arrangements. (7/1/98)

2.17 **Hazardous Material**. (8/17/92) Materials, including waste products, as defined in the U.S. Environmental Protection Agency's publication 40 CFR 172.101.

2.18 **Home Business**. An activity conducted for financial gain in a dwelling unit or in another building on the same lot as the dwelling unit, provided that:

- a. Only members of the family residing on the premises, plus a maximum of two (2) persons not residing on the premises, shall be employed in such business;
- b. The occupation shall be clearly incidental and subordinate to the residential use of the premises;
- c. No more than twenty-five (25%) percent of the floor area of the dwelling shall be used for the conduct of the business;
- d. The floor area of an outbuilding used for a home business shall not be greater than fifty (50%) percent of the floor area of the dwelling unit;
- e. No equipment or process shall be used in such business which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the business is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence;
- f. One (1) off-street parking space shall be provided for each 100 square feet of floor area devoted to the home business;
- g. A home business shall not generate any vehicle traffic beyond what might reasonably be expected in a residential area.
- h. Once approved by the Commission or Zoning Enforcement Officer(ZEO), the permit shall be submitted for renewal and inspection every (2) years. Application for permit renewal shall be applied for during the month prior to their expiration. (7/1/98)
- i. Signs used in conjunction with an approved "home business" shall comply with Section 11 of these regulations. In no case shall the use of banners, advertisement flags, lighted displays, or the use of audio for attracting customers be allowed (7/1/98).
- j. The location of all outdoor display areas shall be approved by the Commission/ZEO to insure that any such areas do not create a traffic safety or public health concern (7/1/98).

2.19 **Junk Yard.** Any property or portion thereof used for the outside storage, keeping or abandonment of worked out, cast-off, or discarded articles or material ready for destruction or collected or stored for salvage or conversion to some use. Motor vehicles which are on the tax roles are not considered junk (7/1/98).

2.20 **Kennel.** The keeping on the same lot of more than five (5) dogs over the age of six (6) months.

2.21 **Lot.** One or more contiguous parcels of land under single ownership or control, to be used, developed, or built upon as a unit.

2.22 **Mobile home.** (8/17/92) A building mass-produced in a factory as an individual unit designed for long-term residential use when connected to required utilities, and designed and constructed on a chassis for transportation to a site for use. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. A mobile home shall not be construed to be a camping vehicle. Other factory-manufactured buildings, such as modular homes, not meeting the above criteria, shall not be construed to be mobile homes.

2.23 **Principal Building.** A building containing the principal use of a property. In the case of a farm, the residence, if any, shall be the principal building.

2.24 **Principal Use.** The main use of land or structures as distinguished from a secondary or accessory use (7/1/98).

2.25 **Specialized Agricultural Buildings.** The use of a building for intensive farming and farming-related activities that involves one or more of the following:

- a. Processing or packaging of farm products, by-products, or animal or poultry wastes;
- b. Shelter for more than 100 animals or 20,000 fowl;
- c. Workplace for more than five (5) non-family, full-time employees;
- d. Retail sales of products raised, or processed on the premises, other than in a seasonal roadside farm produce stand.

2.26 **Special Exception (Special Permit).** A permit process authorized by the Connecticut General Statutes which allows land uses only under special conditions due to the potential negative impacts from such uses. The special conditions must be included in the regulations (7/1/98).

2.27 **Street.** An improved right-of-way accepted for public use by lawful procedure and suitable for two-way vehicular travel; or a proposed street shown on a subdivision plan approved by the Commission.

2.28 **Tower.** A structure intended to support equipment used to receive or transmit electromagnetic waves. Examples of towers include self-supporting lattice, guyed, and monopole.(7/1/98)

2.29 **Use.** The purpose for which property is arranged, designed or intended, or for which either land or building is or may be occupied or maintained (7/1/98).

2.30 **Wireless telecommunication facility.** The equipment and structures involved in receiving or transmitting electromagnetic waves associated with wireless telecommunication services.(7/1/98)

2.31 **Wireless telecommunication services.** Services associated with the transmission and/or reception of wireless telecommunications. These services may include, but are not limited to cellular, personal communication services, specialized mobilized radio, and paging. (7/1/98)

### **SECTION 3: ADMINISTRATION AND PROCEDURES**

3.1 **Enforcement.** These Regulations shall be administered and enforced by the Planning and Zoning Commission and/or its appointed agent, the Zoning Enforcement Officer.

3.2 **Permits.** No building shall be erected, moved, or structurally enlarged in area and no use shall be established or changed without a Zoning Permit therefore from the Zoning Enforcement Officer, issued in conformity with the provisions of these Regulations. Application for a Zoning Permit shall be made on a form provided for that purpose and obtainable from the Zoning Enforcement Officer or in the office of the Voluntown Town Clerk. A copy of the form, is enclosed in the Appendix to these Regulations.

3.2.1 Zoning Permits for single-family and two-family dwellings and permitted accessory buildings, and Home Businesses shall be issued after review of such applications, which shall include a plot plan, by the Zoning Enforcement Officer. All other applications, including proposals to change from one non-residential use to another non-residential use, shall be submitted with a site plan and all other documentation as prescribed in Section 10 of these Regulations and in State Statutes. The site plan must be approved by the Commission before a Zoning Permit can be obtained. (01/01/90)(7/1/98)

3.2.2 In reviewing a plot plan for a residential use, the Zoning Enforcement Officer shall determine that the layout of proposed buildings will not infringe on the required area for the septic tank, leaching field, and 100% replacement area.

3.2.3 (2/23/85) No Building Permit and no Certificate of Occupancy shall be issued by the Building Official for any building, use or structure without certification in writing by the Zoning Enforcement Officer that such building, use or structure is in conformity with these

Regulations, or is a valid non-conforming use. The Zoning Enforcement Officer may require as-built plans to insure compliance with these regulations and any approved permits (7/1/98).

3.2.4 The Zoning Enforcement Officer may require a plot plan prepared, signed, and sealed by a licensed land surveyor or registered professional engineer to insure compliance with these Regulations. The Zoning Enforcement Officer may further require that location markers for the building foundation and property line be set by a licensed land surveyor in accordance with the plot plan prior to the issuance of a zoning permit.(7/1/98)

3.3 **Fees.** The following application fees shall be charged: (8/17/92)

3.3.1 \$10.00 for structural enlargements or additions, and for the construction of outbuildings which are 100 square feet or larger in size. (7/1/98)

3.3.2 \$20.00 for new residential buildings. (8/17/92)

3.3.3 \$50.00 for commercial or industrial buildings or uses and any other building or use requiring a site plan. (8/17/92)

3.3.4 \$175.00 for any use involving a special exception, request for zone change or for a Major Development District to defray costs connected with the required public hearing. (When the fee of this subsection applies, no other fees prescribed in Subsections 3.3.1 through 3.3.3, above, shall be required.) (01/01/90) (8/17/92)(7/1/98)

3.3.5 \$20.00 for a Home Business Permit for each year of validation. (7/1/98)

3.3.6 In addition to the above fees, a \$10.00 charge is required by Section 22a-27j of the Connecticut General Statutes. (7/1/98)

3.3.7 No fee will be charged for religious or governmental buildings or uses. (8/17/92)

3.3.8 Application fee for a Special Exception is \$175.00. (7/1/98)

3.3.9 Application fee to the Zoning Board of Appeals is \$175.00. (7/1/98)

3.4 **Penalties.** In accordance with Section 8-12 of the General Statutes, the owner or agent of any building or premises where a violation of any provision of these Regulations has been committed or exists, or the lessee or tenant of an entire building or premises where such violation has been committed or exists, or the agent, architect, builder, contractor or other person who commits, takes part or assists in any such violation or who maintains any building or premises in which such violation exists, shall be fined not less than ten (\$10) nor more than one hundred (\$100) dollars for each day that such violation continues; but if the offense is wilful, the person convicted thereof shall be fined not less than one hundred (\$100) dollars nor more than two hundred fifty (\$250) dollars for each day that such violation continues, or imprisoned not



more than ten (10) days for each day such violation continues or both; and the superior court shall have jurisdiction of all such offenses, subject to appeal as in other cases.

3.4.1 Any person who, having been served with an order to discontinue any such violation, fails to comply with such order within ten (10) days after such service, or having been served with a cease and desist order with respect to a violation involving grading of land or removal of earth, fails to comply with such order immediately, or continues to violate any provision of the Regulations made under authority of the provisions of this chapter specified in such order shall be subject to a civil penalty of twenty-five hundred (\$2,500) dollars, as prescribed in Section 8-12 of the Connecticut General Statutes, payable to the treasurer of the municipality. (8/17/92)

3.5 **Referral to Neighboring Municipality.** (1/1/90) The Commission shall notify the clerk of any adjoining municipality of the pendency of any application or site plan concerning any project on any site when: (1) any part of the property affected by the Commission's decision is within 500 feet of the adjoining municipality; (2) a significant portion of the traffic to the completed project will use streets within the adjoining municipality to enter or exit the site; (3) a significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewer system within the adjoining municipality; or (4) water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality. Such notice shall be made by registered mail and shall be mailed within seven (7) days of the date of receipt of the application or site plan and no hearing shall be held on the application or site plan until after the adjoining municipality has received such notice. A representative from the adjoining municipality may appear and be heard at any hearing on any such application or site plan.

3.6 **Referral to Wetlands Commission.** (1/1/90) If an application for special exception and/or site plan approval involves an activity regulated as an inland wetland or watercourse under the provisions of Chapter 440 of the Connecticut General Statutes, the applicant shall submit an application to the Voluntown Inland Wetlands Commission no later than the day the application is filed with the Commission. The Commission shall not render a decision until the Wetlands Commission has submitted a report with its final decision to the Commission. In making its decision, the Commission shall give due consideration to the report of the Wetlands Commission.

3.7 **Referral to Regional Planning Commission (Council of Governments).** (7/1/98) When the zoning commission proposes to establish or change a zone or any regulation affecting the use of a zone any portion of which is within five hundred feet of a boundary of another municipality located within the area of operation of a regional planning agency, the zoning commission shall give written notice of its proposal to the regional planning agency or agencies of the region in which it and the other municipality are located not later than thirty-five days before the public hearing. The findings and recommendations submitted by the regional planning agency shall be read aloud at the hearing. (Section 8-3b of the Connecticut General statutes)

## SECTION 4: ZONING DISTRICTS

4.1 The Town of Voluntown is divided into zoning districts as shown on the map entitled, "Zoning Map, Voluntown, Connecticut," which map is a part of these Regulations. Three districts are established, whose purpose are described as follows:

**4.1.1 Village District:** This district is intended to provide opportunity for higher residential densities in an area of the Town that can most easily be served by facilities and services. In addition, it is intended to encourage the further development of commercial and service establishments in one area of the Town, as opposed to allowing a scattering of such land uses throughout the entire Town.

**4.1.2 Rural District:** Most of the Town is included in this district, which is intended to preserve as much of the Town as possible in a low density settlement pattern. This is intended both to retain the rural character of the Town and to minimize the need for extending public facilities and services throughout the entire Town.

**4.1.3 Major Development District:** This district is intended to provide an opportunity for major commercial, industrial or institutional uses to locate anywhere within the Town of Voluntown, provided certain environmental and site conditions are met. Although no specific zoning districts have been mapped for this category, the Commission may establish such a district after public hearing and after reviewing the proposed major development and its impact on the area of the proposed location. This district is not intended for use in locating small, individual, local-serving retail and business establishments.

**4.1.4 Village Commercial Overlay District:** (3/15/01) The intent of this district is to allow for the development of light commercial uses that will enhance the Village Center of town and provide economic opportunities and benefits for the town. It is further intended that structures be architecturally designed with site layouts which are typical of a New England Village setting.

4.2 Where a district boundary line divides a lot which was in single ownership at the time of adoption of these Regulations, the Zoning Board of Appeals may permit, as a variance, the extension of the regulations for either portion of the lot a maximum of 100 feet beyond the district line into the remaining portion of the lot.

## SECTION 5: VILLAGE DISTRICT REGULATIONS

5.1 **Permitted uses.** The following uses are permitted in this district only after issuance of a zoning permit from either the Zoning Enforcement Officer or Commission as required by Section 3.2.1 and Section 10.1 of these regulations. (7/1/98)

5.1.1 Single-family dwellings.

5.1.2 Two-family dwellings.

5.1.3 Religious, institutional and governmental and public utility uses.

5.1.4 Agricultural activities including the keeping of horses, but not including the raising of poultry or fur-bearing animals for commercial purposes.

5.1.5 (2/23/85)(7/1/98) Retail businesses, such as grocery stores, drug stores, apparel stores, variety stores, antique shops, hardware stores, and sporting goods stores.

5.1.6 Business services, such as banks and other financial institutions, real estate and insurance offices, business and professional offices.

5.1.7 Personal services, such as barber shops, beauty salons, laundry and dry cleaning establishments.

5.1.8 Repair services, such as radio, television, appliance and plumbing shops, upholstery shops and shoe repair shops.

5.1.9 Accessory uses and buildings.

5.1.10 Home businesses, as defined in Section 2.16 of these Regulations.

5.1.11 (1/1/90) Cemeteries, as defined in Section 2.5 of these Regulations.

5.1.12 (7/1/98) **Bed and Breakfast Inn**, which is defined as a owner-occupied dwelling, having six or less guest rooms, without separate kitchen facilities, in which overnight accommodations and meals are provided to travelers, for a fee and for not more than fifteen consecutive days. The operation shall be contained within the existing footprint of the building. In no case shall the floor area of guest rooms exceed 60% of the total floor area of the dwelling. Off-street parking required is calculated at two spaces for the owner-occupants and one additional space for each guest room. Signs are stipulated by Section 11.2. All health, building, fire and other applicable codes shall be complied with.

5.1.13 (7/1/98) **Family Day Care Home**, which is a private family home caring for not more than six (6) children, including the provider's own children not in school full time, where the children are cared for not less than three (3) nor more than twelve (12) hours

during a twenty-four (24) hour period and where care is given on a regular basis. This activity shall comply with the State of Connecticut Department of Human Resources "Statutes and Regulations for Family Day Care", Connecticut general statutes Section 17-31q, as amended, as well as all other applicable federal, state, and local requirements.

5.1.14 (7/1/98) **Group Day Care Home**, which is a facility which provides a program of supplementary care to not less than seven (7) nor more than twelve (12) related or unrelated children on a regular basis for part of the twenty-four (24) hours in one or more days a week, and meets the requirements of the State of Connecticut Department of Health Services "Public Health Code Regulations for Child Day Care Centers and Group day Care Homes", Section 19a-79-1 through 19a-79-8 inclusive, and Connecticut General statutes Sections 19a-77 through 19a-87 inclusive, as amended, and all other applicable federal, state, and local requirements.

5.2 **Special Exceptions.** The following uses may be permitted by the Commission subject to the provisions of Section 9 of these Regulations.

5.2.1 Multiple-family dwellings.

5.2.2 Automotive services, such as service stations, repair garages, automotive supplies and automotive vehicle sales establishments.

5.2.3 Drive-in eating establishments.

5.2.4 Temporary religious or entertainment gatherings, such as festivals, bazaars and fairs.

5.2.5 Elderly housing.

5.2.6 Amusement game arcades.

5.2.7 (2/23/85) Eating and drinking establishments.

5.2.8 (1/1/90) Motels, hotels, and resorts for non-residential use at a maximum density of (two) rooms per acre (7/1/98).

5.2.9 (1/1/90) Commercial recreation facilities.

5.2.10 (3/15/01) Telecommunication Towers

5.3 **Minimum Lot Size.**

5.3.1 **Single-family dwelling:** 40,000 square feet.

5.3.2 **Two-family dwelling:** 70,000 square feet.

5.3.3 **Multiple-family unit:** 35,000 square feet per apartment unit with maximum of four units in any one structure.

5.3.4 All other uses: 40,000 square feet.

5.4 **Minimum Street Frontage.** 150 feet on an accepted Town road, state highway or a road shown on the plan of an approved subdivision.

5.5 **Minimum Yards.** (5/15/90) No building shall be located closer than twenty-five (25) feet from any street right-of-way or fifteen (15) feet from any other property line. (7/1/98)

5.6 **Maximum Lot Coverage by Buildings.** 20% (7/1/98)

## **SECTION 5A: VILLAGE COMMERCIAL OVERLAY DISTRICT REGULATIONS (3/15/01)**

This overlay designation is applicable in the area designated on the zoning map at the dimensional requirements, use requirements and standards listed in this section. The dimensional requirements, use requirements and standards of the underlying Rural Residential District are listed in Section 6 of these regulations. The intent of this overlay zoning designation is to allow for the development of light commercial uses to the extent that their specific locations provide opportunities and benefits for the town. Further, it is intended that structures be architecturally designed with site layouts which are typical of a New England Village setting and that they enhance the existing well defined Village Center of town. Village Commercial Overlay District uses shall comply with all other specific standards designed to minimize nuisances between these overlay uses and the other uses permitted by right in the underlying residential district.

5A.1 **Permitted uses.** The following uses are permitted in this district only after issuance of a special exception from the Zoning Commission as required by Section 9 of these regulations.

- a. Religious, institutional and governmental and public utility uses.
- b. Retail businesses, such as grocery stores, drug stores, apparel stores, variety stores, antique shops, hardware stores, and sporting goods stores. See Section 2.
- c. Business services, such as banks and other financial institutions, real estate and insurance offices, business and professional offices. See Section 2.
- d. Personal services, such as barber shops, beauty salons, laundry and dry cleaning establishments. See Section 2.

e. Repair services, such as radio, television, appliance and plumbing shops, upholstery shops and shoe repair shops. This does not include automotive/vehicular repair services. See Section 2.

f. Private Schools.

g. Telecommunication Towers.

h. Elderly Housing.

i. Group Day Care Home, which meets the requirements of the State of Connecticut Department of Health Services "Public Health Code Regulations for Child Day Care Centers and Group Day Care Homes", Section 19a-79-1 through 19a-79-8 inclusive, and Connecticut General Statutes Sections 19a-77 through 19a-87 inclusive, as amended, and all other applicable federal, state, and local requirements.

j. Accessory buildings and uses.

**5A.2 Use Standards.** Lots in this overlay district may be utilized for one or more of the permitted uses provided all dimensional and setback requirements of these regulations are met. In addition the following requirements are applicable.

- a. Uses permitted in the "Commercial Village Overlay District" and the underlying "Rural District" shall not be combined on the same lot.
- b. Uses permitted in the "Village Commercial Overlay District" may be housed in the same building.
- c. c The Commission shall determine that the number and size of buildings are designed and located as to comply with the "intent" of these regulations as stated in the opening paragraph of this section. Normally, no one building shall exceed 10,000 square feet in size regardless of the number of individual "Village Commercial Overlay District" uses allowed in that structure. More than one building is permitted on an individual lot as long as all the setback requirements and other applicable requirements of these regulations are met.
- d. d The building size requirement of this section shall not be applicable to any Elderly Housing development.

**5A.3 Design Standards.** The architectural design, and, access and traffic standards of Section 10 are the applicable standards in this district. Off-street parking shall be provided in accordance with acceptable standards, such as those of the "Institute of Transportation Engineers". All signs shall comply with the requirements of Section 11 of these regulations.

**5A.4 Dimensional and setback requirements.**

- a. Minimum Lot Size: 40,000 square feet.

- b. Frontage: 150 feet.
- c. Setback: 25 feet.
- d. d) Side Yard: 15 feet.
- e. Rear Yard: 15 feet.
- f. Maximum Lot Coverage by Buildings: 25%
- g. Other Setback: The Commission may require planted buffer strips of twenty-five (25) feet in addition to the required yard setback along a property line where the adjoining property contains or may contain an incompatible or dissimilar land use. Such landscaped buffer strip shall be suitably seeded to grass and/or shall be suitably planted with trees or shrubs. Acceptable existing trees shall be preserved and supplemented by additional plantings as deemed necessary by the Commission to meet the requirements of privacy of adjacent yards and to eliminate noise, dust and objectionable lighting. The Commission may vary the above requirements as to planting in accordance with the effectiveness of screening proposed and the architectural character of the neighborhood in which the use is located.

## **SECTION 6: RURAL DISTRICT REGULATIONS**

**6.1 Permitted Uses.** The following uses are permitted in this district only after issuance of a zoning permit from either the Zoning Enforcement Officer or Commission as required by Section 3.2.1 and Section 10.1 of these regulations. (7/1/98)

6.1.1 Single-family dwellings.

6.1.2 Two-family dwellings.

6.1.3 Agricultural and forestry activities.

6.1.4 Home businesses, as defined in Section 2.16 of these Regulations.

6.1.5 Religious, governmental or public utility uses.

6.1.6 Stand for the display and sale of fruits and vegetables, provided such stand shall be located at least twenty-five (25') feet from any property line and at least fifty (50') feet from any road intersection.

6.1.7 Accessory uses and buildings.

6.1.8 Kennels, provided that all dogs shall be kept in buildings or enclosures and such buildings and enclosures shall be located no closer than 200 feet from any property line.

6.1.9 Commercial riding academies, boarding and livery stables, provided the lot contains a minimum of five (5) acres.

6.1.10 (5/15/90) Cemeteries.

6.1.11 (7/1/98) **Family Day Care Home**, which is a private family home caring for not more than six (6) children, including the provider's own children not in school full time, where the children are cared for not less than three (3) nor more than twelve (12) hours during a twenty-four (24) hour period and where care is given on a regular basis. This activity shall comply with the State of Connecticut Department of Human Resources "Statutes and Regulations for Family Day Care", Connecticut general statutes Section 17-31q, as amended, as well as all other applicable federal, state, and local requirements.

6.2 **Special Exceptions.** The following uses may be permitted by the Commission subject to the provisions of Section 9 of these Regulations.

6.2.1 Automotive service and repair stations.

6.2.2 Antique shops.

6.2.3 Private schools.

6.2.4 Camping, recreation and sporting supply stores.

6.2.5 Hotels, motels and resorts for non-residential use at a maximum density of (two) rooms per acre (7/1/98).

6.2.6 Recreational camping grounds.

6.2.7 Temporary religious or entertainment gatherings, such as festivals, bazaars or fairs.

6.2.8 Sand and gravel removal and/or processing operations.

6.2.9 Amusement game arcades.

6.2.10 Specialized agricultural buildings.

6.2.11 (7/1/98) **Bed and Breakfast Inn**, which is defined as a owner-occupied dwelling, having six or less guest rooms, without separate kitchen facilities, in which overnight accommodations and meals are provided to travelers, for a fee and for not more than fifteen consecutive days. The operation shall be contained within the existing footprint of the building. In no case shall the floor area of guest rooms exceed 60% of the total floor



area of the dwelling. Off-street parking required is calculated at two spaces for the owner-occupants and one additional space for each guest room. Signs are stipulated by Section 11.2. All health, building, fire and other applicable codes shall be complied with.

6.2.12(7/1/98) **Group Day Care Home**, which is a facility which provides a program of supplementary care to not less than seven (7) nor more than twelve (12) related or unrelated children on a regular basis for part of the twenty-four (24) hours in one or more days a week, and meets the requirements of the State of Connecticut Department of Health Services "Public Health Code Regulations for Child Day Care Centers and Group day Care Homes", Section 19a-79-1 through 19a-79-8 inclusive, and Connecticut General statutes Sections 19a-77 through 19a-87 inclusive, as amended, and all other applicable federal, state, and local requirements.

6.2.13 (3/15/01) Telecommunication Towers.

6.3 **Minimum Lot Size.** (7/10/85)(7/1/98)

6.3.1 Single-family dwelling: 120,000 square feet.

6.3.2 Two-family dwelling: 210,000 square feet.

6.3.3 All other uses: 120,000 square feet.

6.4 **Minimum Street Frontage and Lot Width.** (9/2/87)(7/1/98)(3/15/01)

6.4.1 300 feet of frontage on a street.

6.4.2 300 feet of lot width at the required building setback line.

6.5 **Minimum Yards.** No building shall be located closer than fifty (50') feet from any street right-of-way or twenty-five (25') feet from any other property line.

6.6 **Maximum Lot Coverage by Buildings.** 15% (7/1/98)

## **SECTION 7: MAJOR DEVELOPMENT DISTRICT REGULATIONS**

7.1 **Application Procedures.** Application for a Major Development District shall constitute a request for a zone change and shall be in accordance with procedures outlined in Section 8-3 of the General Statutes.

7.1.1 The applicant shall, at a regular or special meeting of the Commission, present a site plan for the proposed district, which shall show in detail the following:

a. An outline map of the proposed district, certified by a registered land surveyor, landscape architect, or professional engineer, at a scale of not less than 1" = 200', showing the boundaries of the proposed district, the locations and names of all roads within 200 feet of the proposed district, and the names of all property owners within 200 feet of the proposed district.

b. A site plan prepared in accordance with Section 10 of these Regulations.

7.1.2 The Commission shall hold a public hearing on the proposed district within sixty-five (65) days of receipt of application and shall act on the proposal within sixty-five (65) days after the hearing, unless extensions of time as provided by Section 8-7d of the General Statutes are granted by the applicant.

7.2 **General Requirement.** A Major Development District shall have direct access, to a state highway or, onto a town road when the Commission determines that the town road is adequate to handle the traffic flow of the proposal (7/1/98).

7.3 **Special Exception.** The following uses may be permitted by the Commission subject to the provisions of Section 9 of these Regulations.

7.3.1 Major retail and wholesale business, such as a shopping center, furniture outlet, building supply store, and farm and garden supply store.

7.3.2 Manufacturing or assembly plants.

7.3.3 Buildings for research or professional use.

7.3.4 Commercial or private recreation and resort developments.

7.3.5 Truck terminals and warehouses.

7.3.6 Hotels, motels and resorts for non-residential use at a maximum density not to exceed (two) units per acre. (7/1/98)

7.3.7 (3/15/01) Telecommunication Towers.

7.4 **Minimum Lot Size.** A Major Development District shall contain at least ten (10) acres.

7.5 **Maximum Lot Coverage:** (1/1/90)

7.5.1 (7/1/98) In no case shall lot coverage exceed Sixty percent (60%) for buildings, outside storage, and vehicle parking.

7.6 **Road Frontage.** A Major Development District must have at least 500 feet of frontage on a state highway or Town approved road.

7.7 **Yard Requirements.** No building shall be located closer than 100 feet from the district boundary.

## **SECTION 8: SUPPLEMENTARY REGULATIONS**

8.1 **Definition.** These are Regulations that apply to more than one zone or to a specific use or class of uses, regardless of their location in the Town.

8.2 **One Use Per Lot.** Except for multi-family developments, institutions, shopping centers, industrial complexes, community facilities and public utilities, only one (1) principal building or use shall be permitted on one lot.

8.3 **Prohibited Uses.** The following uses are expressly prohibited within the Town of Voluntown:

8.3.1 Oil refining and storage in tanks having a capacity exceeding 10,000 gallons, and natural gas and propane storage in tanks having a capacity exceeding 1,500 gallons.(3/15/01)

8.3.2 Manufacture of explosives.

8.3.3 Commercial poultry or animal slaughtering.

8.3.4 Commercial distillation of bones, rendering of fat or reduction of animal matter.

8.3.5 Junk yard, motor vehicle junk yard, refuse disposal areas, other than the official Town refuse disposal facility. (1/1/90)

8.3.6 Industrial waste disposal or processing areas, including the disposal or processing of hazardous waste or material. (8/17/92)

8.3.7 Any activity which produces unreasonable noise, odors, vibrations, fumes, electrical interference, or other noxious effects considered objectionable to the residents of the area.

8.4 **Uses Near Water.** No building, except a boathouse and/or individual family sauna, shall be located within twenty-five (25') feet of any waterbody, watercourse or wetland, or, if subject to flooding, within twenty-five (25') feet of its highest flood line.

8.4.1 No part of any subsurface sewage disposal systems shall be located within seventy-five (75') feet of any moving watercourse, such as a river, stream, or brook, nor within seventy-five (75') feet of the high-water mark of a standing or impounded waterbody, such as a lake, wetland or pond. (8/17/92)

**8.5 Special Flood Hazard Area Requirement.** Any development activities within Special Flood Hazard Areas as shown on the Flood Insurance Rate Maps must be conducted in accordance with the Voluntown Flood Damage Prevention Ordinance. (7/1/98)

**8.6 Animals.** Not more than two (2) in the aggregate of horses, cattle, sheep, and goats shall be kept on any contiguous land containing less than 80,000 square feet (7/1/98).

8.6.1 No pigs are to be kept on any lot containing less than 80,000 square feet. The keeping of pigs on lots containing at least 80,000 square feet is permitted; provided that all pigs shall be kept in buildings or enclosures and such buildings and enclosures shall be located no closer than 300 feet from any residence.

**8.7 Yard Sales.** Garage or yard sales are permitted in any zone, provided no such sale shall occur on the same lot more than three (3) times in a calendar year and each occurrence shall be limited to no more than three (3) consecutive days. Activities which exceed the number of events stipulated by this section should apply for a "Home Business Permit". (7/1/98)

**8.8 Wind Energy Conversion Systems (WECS).** A WECS is any mechanism designed for the purpose of converting wind into mechanical electrical power intended for use on the premises. WECS will be approved by the Commission only if, after review of a site plan for the proposed WECS, the Commission is satisfied that it will not pose a threat to the health, safety, and general welfare of people living and working in the vicinity. The following minimum requirements shall be met by all proposed WECS:

8.8.1 No WECS shall be permitted on a lot containing less than 40,000 square feet.

8.8.2 The maximum height if any support tower for a WECS shall be eighty (80') feet. Any protruding rotor blades shall not extend closer than fifteen (15') feet to the ground surface.

8.8.3 No part of a WECS structure shall be located closer than twenty-five (25') feet to a property line.

8.8.4 The support tower for a WECS shall be set back from all property lines a distance equal to the sum of the tower height plus the rotor blade length.

8.8.5 The supporting structure for a WECS shall not be attached to any structure containing a dwelling unit.

8.8.6 Each WECS shall be equipped with a braking device that will prevent the rotor blades from turning faster than a rate produced by a forty mile per hour wind.

8.8.7 A WECS shall not cause interference with radio or television reception. If such interference is detected, the property owner shall be required to take whatever measures are necessary to end the interference, including relocation or removal of the WECS.

8.8.8 No WECS shall be approved until the application shows evidence that the plans have been reviewed and found to be satisfactory by the public utility responsible for providing conventional electric power to the property. Wiring shall be installed by a certified electrician.

8.8.9 The maximum permitted noise level of a WECS shall be 45 decibels, as measured on the DBA scale, and as detected at any point on the property line.

8.8.10 Climbing access to the WECS support tower shall not begin lower than twelve (12') feet above the ground.

8.8.11 The support tower for a WECS shall be used solely for supporting the WECS and shall be removed when the tower ceases to be used for such purposes.

8.9 **Water Company Expansions.** (2/23/85) No use shall be approved by the Commission that involves the construction or expansion of a water company serving not less than fifteen (15) service connections or twenty-five (25) persons nor more than 250 service connections or 1,000 persons unless such water company has been issued a Certificate of Public Convenience and Necessity by the Connecticut Departments of Public of Utility Control and Health Services, as required by Connecticut Public Act 84-330.

8.10 **Rear Lots.** (7/10/85) The Commission may permit a lot not having the required frontage on a street (a rear lot) to be used for a residence provided the following conditions are met:

8.10.1 The minimum lot size of a rear lot shall be at least: 5 acres. (7/1/98)

8.10.2 A rear lot shall be accessible to a street by way of a driveway located in a strip of land owned as part of the rear lot and at least twenty-five (25') feet in width throughout. The area of the driveway shall not be counted toward meeting the area requirement for a rear lot.

8.10.3 Where the driveway for any rear lot meets the street, it shall be determined by the Commission not to endanger public safety by reason of poor site distance or some other condition.

8.10.4 No part of any access strip for a driveway to a rear lot shall be located closer than 150 feet in the Rural District and 150 feet in the Village District to another such access strip to a rear lot on the same side of a street.

8.10.5 No driveway providing access to a rear lot shall serve more than one (1) residence.

8.11 **Mobile Homes and Trailers.** (1/1/90) A mobile home or trailer may be used temporarily in connection with a bona fide construction job for which a valid zoning permit has been obtained. A temporary construction mobile home or trailer permit shall be issued for an initial period of six (6) months and may be renewable, at the discretion of the Commission and for

good cause shown, for additional six-month periods up to the date of the issuance of a certificate of occupancy. The mobile home or trailer shall be removed within ten (10) days after the issuance of the certificate of occupancy. A manufactured home, designed as a single-family dwelling and, having its narrowest dimension of twenty-two feet or more and built in accordance with federal manufactured home construction and safety standards shall comply with the same requirements imposed on single-family dwellings. (Connecticut General Statutes Section 8-2) (7/1/98)

8.12 (8/17/92) The Commission believes that the unregulated use, storage and/or transportation of radioactive materials within the town constitutes a threat to the health and welfare of the residents of Voluntown. Therefore the Town of Voluntown shall be and is hereby established as a NUCLEAR FREE ZONE wherein no nuclear weapons or products associated with nuclear weapons may be positioned or manufactured within Voluntown.

8.12.1 Nuclear energy, experimental or commercial, shall not be produced ~~or used~~ within the town except for the medical applications of nuclear material and that transmitted to the town as electrical energy.

8.12.2 No radioactive wastes of any kind shall be stored in the Town of Voluntown except that radioactive wastes generated for medical purposes within the Town of Voluntown may be stored at the generating facility for a period not to exceed one year.

8.12.3 Nothing in this section shall be construed to regulate consumer use of radioactive smoke detectors, ash resulting from the use of a wood stove, and light-emitting watches and clocks.

8.13 **ACCESSORY BUILDINGS:** (3/15/01) Accessory buildings shall be located only in rear yards, or in side yards when in the rear half of a lot. When located in a side yard, an accessory building shall be situated no closer to a side line than the minimum width required for the side yard of a principal building. When located on a corner lot, an accessory building shall be no closer to a street line than the least depth of any front yard requirement along such street. No accessory building located in a rear yard shall be closer to a lot line than ten (10) feet. When a lot fronts on two parallel streets, any accessory structure shall be located on that one-third of the lot furthest from both streets.

In residential districts, a garage or carport used primarily for the storage of passenger motor vehicles may be located in a front yard, provided that such structure is located no closer to the street than the required front setback.

## **SECTION 9: SPECIAL EXCEPTIONS**

9.1 **General.** Uses listed in Sections 5.2, 6.2, and 7.3, of these Regulations shall meet the special requirements of this section in addition to all other requirements of these Regulations.

Such uses are considered special because they may prove to be incompatible with surrounding land uses unless established with special care and conditions.

9.2 **Application, Site Plan and Fee.** Applications for special exceptions may be obtained from the Zoning Enforcement Officer or the Town Clerk. All applications for special exceptions shall be accompanied by a site plan, as prescribed in Section 10 of these Regulations, and by a fee of \$175.00 to cover the costs related to the required public hearing. (1/1/90)(7/1/98)

9.3 **Required Hearings.** The Commission shall conduct a public hearing on any application for a special exception. Such hearing shall commence within sixty-five (65) days after receipt of such application and shall be completed within thirty (30) days after such hearing commences. The Commission shall render a decision on the application and related site plan within sixty-five (65) days after completion of such hearing. The applicant may consent to an extension of any period specified in this paragraph, provided such extension shall not be longer than double the period specified, or may withdraw such application.

9.4 **Recording.** No special exception shall become effective until a copy thereof, certified by the Chairman or Secretary of the Commission, containing a description of the premises to which it relates and specifying the nature of the special exception, including the zoning provision to which a special exception is granted, and stating the name of the owner of record, is recorded in the Town's land records. The Town Clerk shall index the same under the grantor's index under the name of the then record owner and the record owner shall pay for such recording.

9.5 **Conditions of Approval.** The Commission shall approve the issuance of a permit for a special exception when it is assured that the proposed use will not result in conditions contrary to the stated purposes of these Regulations as presented in Section 1.3, above. In addition, the following special conditions shall be met to the satisfaction of the Commission.

9.5.1 Each multiple-family dwelling shall be separated from other dwellings by a distance of at least 150 feet and a minimum separation distance of 150 feet shall be maintained between any two (2) sewage disposal systems. Where public sewers are not available, a separate subsurface sewage disposal system shall be maintained for each multiple-family structure, and no sewage disposal system shall be located closer than 100 feet from any well. Any driveway serving one or more multiple-family dwellings and which exceeds 200 feet in length, shall be built in accordance with the provisions of Section 6 of the Subdivision Regulations which stipulates the standards for all new streets within the Town of Voluntown. (7/1/98)

9.5.2 No structure, parking or storage area, driveway, or advertising sign associated with any type of automotive sales or automotive service or repair establishments or drive-in eating establishment shall be located closer than fifty (50') feet from the property line of any existing residential use. Automotive sale or automotive service and repair establishments, drive-in eating establishments and any eating establishment which serves alcohol shall not be located closer than 500 feet from any property containing a similar establishment, school, church, or public library. (2/23/85)(7/1/98)

9.5.3 Drive-in eating establishments shall have a minimum of ten (10) off-street parking spaces.

9.5.4 Articles for sale at antique shops and camping, recreation and sporting supply stores shall not be displayed outside of buildings unless screened from the public view or from neighboring residential buildings.

9.5.5 Hotels, motels, resorts, antique shops, bed and breakfast inns,(7/1/98) private schools and camping, recreation and sporting supply stores shall be provided with driveways that provide safe access and egress from public roads. Such establishments shall have paved or gravel off-street parking areas sufficient in size to ensure that no vehicles patronizing the establishments need park on a public road.

9.5.6 Permits for religious or entertainment gatherings shall be for a period not to exceed thirty (30) days, although an extension of not more than thirty (30) days may be granted by the Commission. Adequate provisions shall be made by the applicant for safe access, traffic control, off-street parking, water supply, sewage disposal and emergency medical treatment for those attending the activity.

9.5.7 (1/1/90) Excavations, as defined in Section 2.20 of these Regulations, shall meet the following requirements:

a. Such operations shall not be conducted between 7:00 p.m. and 7:00 a.m., except for municipal purposes.(7/1/98)

b. The site plan for such use shall show how the land is to be graded after completion of the removal operation.

c. No excavation, fill, or grading shall result in excessive flying dust, noise, hazard to children or pedestrians, or danger to adjacent properties or passing vehicles.

d. Property drainage shall be provided to prevent the collection and stagnation of water and the protection of water courses, streams ponds and wetlands from pollution, siltation and erosion.

e. No sharp declivities, pits, depressions or soil erosion problems shall be created, and no slopes or banks will exceed one foot of vertical rise to two feet of horizontal run.

f. Topsoil removed shall be stockpiled on the premises and shall be spread uniformly over the excavated or filled area and over exposed rock surfaces resulting from the excavation or filling to a depth of four inches in accordance with the approved contour plan. Additional topsoil beyond that required for the site can be removed from the site. When the excavation, regrading, removal or filling operations have been completed, the excavated, re-graded or filled area and other vegetated areas destroyed by the excavation, regrading or filling process shall be covered to a minimum depth of four



inches with topsoil and seeded with a perennial rye grass or similar cover crop, planted with trees or shrubs.

- g. During the time of the operation, barricades, earthen berms, or fences for the protection of the public and adjoining properties shall be erected if deemed necessary by the Commission.
- h. Truck access to the excavation shall be so arranged as to minimize danger to traffic, nuisance to surrounding properties, and such access on the premises shall be provided with dustless surface for a distance of 300 feet from a public street or highway.
- i. The completed excavation, regrading or fill area shall not impair the future use of the property in accordance with the Zoning Regulations and the slopes and banks will not impair good development and safe use of the property after the excavation or filling.
- j. The premises shall be excavated, re-graded or filled in conformity with the plans as approved or as modified.
- k. All fills shall be compacted to provide stability of materials and to prevent undesirable settlement. The fill shall be spread in a series of layers, each not exceeding 12 inches in thickness, and shall be compacted after each layer is spread. The Town Engineer may require tests or other information, if, in his opinion, the conditions or materials are such that additional information is necessary.
- l. No builder, excavator, grader or owner of any property shall cause unsightly piles of rock or subsoil, or denuded land caused by, or in connection with, any activity regulated herein, to remain for a period of more than one year after completion of said construction or activity. However, when the construction or activity cannot be reasonably completed within such period, said one year period may be extended if approved by the Commission for such additional time.
- m. Any excavation which involves the creation of a pond or permanent water containment area shall be permitted. Upon completion of excavation of said pond, the side slopes shall be graded at a slope not to exceed one foot of vertical drop to three feet horizontal distance to a minimum horizontal distance of 30 feet measured from the edges of the containment area at the discharge elevation.
- n. The Commission shall require the applicant to submit periodic reports on progress of the excavation, regrading, removal, or filling including contours and cross sections prepared and certified by an engineer or a land surveyor licensed to practice in the State of Connecticut. If at any time, the Commission finds that the excavation, regrading, removal or filling is not being conducted or cannot be conducted in accordance with the plans as approved or as modified, the Commission shall order the applicant to cease operation and revoke the permit.

o. The applicant shall file with the Commission a performance bond in the form of an irrevocable letter of credit acceptable to the Commission, or its designated agents, in an amount of \$ 2,500 per acre of disturbed area. No excavation, regrading, removal or filling operation shall begin until such bond is received by the Commission. Furthermore, said bond shall not be released until said cover crop or planted material as required has been established and all debris removed.(7/1/98)

9.5.8 Recreational camping grounds shall be buffered by a planting strip not less than 100 feet deep along all property lines, suitably planted with evergreen trees and shrubbery to effect a dense growth. The layout and operation of a recreational camping ground shall conform to the provisions of Section 19-13-B97 of the Connecticut Public Health Code and to Section 425 of the Building Code. A grocery and supply store for the convenience of campers on the premises may be operated as a part of the recreational camping ground.

9.5.9 The Commission may require that any special exception be screened from adjacent properties by a planting strip at least twenty (20') feet in width and suitably planted with evergreen trees and shrubbery to effect a dense growth.

9.5.10 Elderly housing densities must not exceed four (4) dwelling units per acre and not more than six (6) dwelling units shall be permitted in a single building. Buildings may be grouped, but subsurface sewage disposal systems shall be dispersed as widely as possible and practical. In order to ensure use as elderly housing, no such project will be approved unless it is constructed with mortgage financing or other financial assistance insured or procured through or with the assistance of a Town, State or Federal governmental agency, and is constructed and maintained on a non-profit basis by a governmental or charitable organization incorporated under the provisions of the Connecticut General Statutes. Evidence of such incorporation shall be submitted to the Commission prior to approval of the application.

9.5.11 Amusement game arcades shall be permitted only if they meet the following conditions:

a. Adequate space shall be provided for each machine so as to allow its use without overcrowding. A minimum of width of two (2') feet shall be provided per machine where the machine is designed for use by one (1) player, and three and one-half (3-1/2') feet where the machine is designed for use by two (2) players. The depth of the space in front of the machine shall be at least five (5') feet, and there shall be a minimum aisle width beyond this five (5') feet of an additional three (3') feet.

b. An arcade shall not be located closer than 500 feet from the property of a church, school, or public building.

c. The Commission may require a buffer strip in excess of that prescribed by subsection 9.5.9 of these Regulations where it finds that the arcade may have a detrimental impact on an adjacent property used for residential purposes

- d. The Commission may permit an arcade as an accessory use to an existing use, such as a bar, campground, or other commercial or private recreation development, provided that safeguards are taken to assure that the use will be compatible with the neighborhood.
- e. Off-street parking shall be adequate to assure that no patron or employee vehicles park on the street.
- f. Except where permitted under the terms of subsection (c) above, no drinking of alcoholic beverages shall be permitted on the premises.
- g. Readily visible signs shall be installed, with their location, size, and text shown in the plans submitted to the Commission, indicating that the use of machines by persons under sixteen (16) years of age shall not be permitted during normal school hours.
- h. The complex shall be located in a separate room, separated from other uses on the premises and from pedestrian circulation to and from such other uses. The room shall be arranged so that there is a management attendant within the room, or such that management attendants outside the room can easily see and supervise the interior of the room.

9.5.12 Specialized agricultural buildings shall meet the following conditions:

- a. Roads and intersections providing access to the buildings will be adequate to provide safe and uncongested movement of traffic.
- b. All plans for the storage and disposal of wastes shall be consistent with regulations of the Connecticut Departments of Health and Environmental Protection.
- c. No specialized agricultural building shall be located closer than 100 feet from any property line.
- d. No waste storage or treatment area shall be located closer than 225 feet from a street center line or 300 feet from any other property line, except that the distance may be reduced to 100 feet when the adjoining property is a state open space or land physically unsuitable for building purposes, as determined by the Commission.

9.5.13 Uses in Major Development Districts shall meet the following conditions:

- a. All activities, except those involving storage, parking, loading, docking and recreational facilities, shall be enclosed within buildings.
- b. No operations will be permitted that produce unreasonable noise, vibrations, odors, or electrical interference, detectable at the district boundary.

- c. No operation will be permitted that results in untreated industry wastes flowing beyond the district boundary.
- d. Access locations and traffic controls shall be provided in a manner that results in no new traffic hazards.
- e. A planting strip at least fifty (50') feet wide and suitably planted with trees and/or dense shrubbery, as prescribed by the Commission, shall be maintained along all boundaries, other than public roads, of such district.
- f. Parking areas, loading and docking areas, and access roads shall be located and arranged in a manner that presents as attractive an appearance as possible from adjacent public roads.

#### 9.5.14 Telecommunication Towers.(7/1/98)

A. The order of preference for facility locations shall range from .1 as the most preferred to .4 the least preferred.

- 1. On existing structures such as nonresidential buildings/facades, water towers/tanks, utility poles, steeples, clock or bell towers, chimneys, grain elevators, and silos.
- 2. On existing or approved towers.
- 3. On new towers located on property occupied by one or more existing towers.
- 4. On new towers.

B. Wireless telecommunication facilities are defined by Section 2 of these regulations. Antenna may be mounted on the rooftop or facade of a nonresidential building or existing towers, water tanks, utility poles, steeples, chimneys, and silos, provided the following standards are met:

- 1. Facilities shall be of a material or color which matches the exterior of the building, and shall blend into the existing architecture to the extent possible.
- 2. Facade mounted antennas shall not protrude above the building structure and shall not project more than three feet beyond the wall or facade.
- 3. Roof mounted antennas shall not exceed the highest point of the rooftop by more than 10 feet.
- 4. Roof mounted antennas shall be set back from the roof edge a minimum of ten feet or ten percent of the roof width, whichever is greater.

5. Facilities shall be of a material or color which matches the exterior of the structure and shall blend into the existing architecture of the structure to the extent possible.

C. General Standards for wireless telecommunication facilities below are in addition to other applicable requirements in these regulations.

1. The tower and/or antenna shall be erected to the minimum height necessary to satisfy the technical requirements of the telecommunications facility. Documentation of the minimum height needed, prepared by a licensed telecommunication systems engineer, shall accompany an application.
2. A tower must comply with the setback requirements of the zone in which it is located, or be set back from all property lines a distance equal to the height of the tower, whichever is greater.
3. Towers not requiring FAA paintings or markings shall be painted a non-contrasting blue, gray, or other neutral color.
4. No lights or illumination shall be permitted unless required by the FAA.
5. No signs or advertising shall be permitted on any tower or antenna, except "no trespassing", "warning", and "ownership signs" are permitted at ground level.
6. A proposed tower shall be designed and constructed to all applicable standards of the American National Standards Institutes, as amended.

D. Site Plan Requirements: All applications to develop a wireless telecommunications facility as a special permit shall meet the site plan requirements listed in Section 10 of these regulations. In addition, the following information shall be submitted for each application where applicable. The Commission may require independent engineering/technical review of submitted materials at the applicant's expense.

1. A map indicating the service area of the proposed wireless telecommunications site. A map indicating the extent of the provider's existing and planned coverage within the Town of Voluntown, and a map indicating the search radius for the proposed wireless telecommunications site, including the location of tall structures within one quarter mile of the proposed site.
2. A report from a licensed telecommunication systems engineer indicating why the proposed site location is necessary to satisfy its function in the applicant's proposed wireless telecommunications system.
3. A plan showing where and how the proposed antenna will be affixed to a particular building or structure.

4. Details of all proposed antenna and mounting equipment including size and color.
5. Elevations of all proposed shielding and details of material including color.
6. An elevation of all proposed equipment buildings, boxes or cabinets. Details of all proposed fencing including color.
7. Tower base elevation and height of tower.
8. A design drawing, including cross section and elevation, of all proposed towers. A description of the tower's capacity, including the number and type of antennas it can accommodate as well as the proposed location of all mounting positions for co-located antennas and the minimum separating distances between antennas. The design shall indicate how the tower will collapse without encroaching upon any adjoining property if failure occurs.
9. A report from a licensed telecommunication systems engineer indicating that the proposed wireless telecommunication facility will comply with FCC radio frequency emission standards and that the installation will not interfere with public safety communications.
10. All proposed landscaping, if appropriate, with a list of plant materials.
11. Proposed access to the site.

E. Review Standards: In addition to other review standards found in these regulations, the Commission, in reviewing applications for wireless telecommunication facilities, shall consider:

1. Detailed analysis of alternative sites, structures, access, and antennas as provided by the applicant. Particular attention will be placed upon the siting preferences found in Section 9.5.14.1 thru 9.5.14.4 of these regulations.
2. Tower sharing or co-location to facilitate the telecommunication needs of municipalities and other entities in order to reduce the need to construct additional towers.
3. Assessment of tower structure type.
4. Assessment of design characteristics/architectural treatments that mitigate, reduce or eliminate visual impacts on adjacent areas.
5. If located on a property listed on the National Register of Historic Places, preservation of the historic and/or architectural character of the landscape or any structure.

6. Consideration of future use or re-use of the site, with provisions for facility removal and site restoration.

F. Abandonment. A wireless telecommunication facility not in use for 12 consecutive months shall be removed by the facility owner at their expense. This removal shall occur within 90 days of the end of such 12-month period. The commission may require a bond or other surety satisfactory to the Town of Voluntown, to guarantee removal, which shall be reviewed and renewed every two years. If there are two or more users of a single tower, this provision shall not become effective until all users cease utilizing the tower.

## **SECTION 10: SITE PLAN REQUIREMENTS**

10.1 **Applicability.** An application for a zoning permit for any use or change in use other than a single-family dwelling, two-family dwelling, or a permitted accessory building ~~or use~~ shall be accompanied by a site plan as prescribed in this Section. (1/1/90)(7/1/98)

10.2 **Purpose.** The filing of the site plan is intended to provide the Commission with information that will enable it to determine that the proposed activity shall be arranged in a manner that is consistent with these Regulations and that enhances the health, safety and welfare of the citizens of Voluntown and that it shall be of such character as to harmonize with the neighborhood, to accomplish a transition in character between areas of unlike character, to protect property values in the neighborhood, to preserve and protect historic features, natural resources, and the appearance and beauty of the community, to avoid undue traffic congestion, and to ensure against the erosion of soil and the sedimentation of streams and waterbodies. (3/15/01)

10.3 **Contents.** The site plan shall cover the entire property where the use is proposed, drawn at a scale of one inch equals no more than fifty feet, and shall clearly show the property boundaries, existing and proposed structures, the location of driveways, parking areas, wetlands and watercourses, walkways, landscaping, buffer strips, fences, water supply and sewage disposal facilities, paved areas, drainage features, signs and lighting. The plan shall address vehicular and pedestrian circulation. Contour lines or other indications of elevation shall clearly show the direction of slope and flow of surface waters. Where regrading is proposed, the existing and proposed grades will be shown.(7/1/98)

The Commission may require the site plan to be prepared, signed, and sealed by a Connecticut registered professional engineer or architect whichever is appropriate. Determination by the Commission shall also be made to include an accurate class A-2 survey of the property and all improvements prepared by a land surveyor registered in the State of Connecticut. (7/1/98)

The site plan shall include a soil erosion and sedimentation plan as prescribed in Subsection 10.4, below.

10.3.1 The Commission may, upon written request by the applicant, waive one or more of the site plan ingredient requirements if the applicant can show, to the satisfaction of the Commission, that the information is not needed to reach a decision on the application.

10.3A **Architectural design: (3/15/01)**

10.3A.1 The materials, texture, and colors used on the exterior walls and roofs of new and renovated buildings located in the Town of Voluntown (appropriate Districts) shall be associated with traditional New England architecture. Preferred building material shall be brick, stone and wood, including narrow wood siding, clapboards or wood shingles. Metal, unfinished concrete, block, vinyl and asphalt siding are discouraged. Tar paper, sheet metal or plastic roofing materials are also discouraged.

10.3A.2 Architectural details characteristic of the particular architectural style and period proposed should be incorporated in the design for any new construction and should relate harmoniously to adjacent buildings to the extent possible. It is not intended that the architectural details of old buildings be duplicated, but they should be regarded as suggestive of the extent, nature and scale of the details that would be appropriate on new buildings or alterations.

10.3A.3 The design, proportion and placement of signs should compliment the building's composition and architectural details. The design shall consist of materials and be limited to colors which are appropriate to the design and materials and shall use lettering styles, sizes and composition which relate to architectural styles within the district.

10.3B **Access and Traffic:(3/15/01)**

10.3B.1 In order to reduce possible traffic conflict points the Commission shall require driveways to be located so that they will provide common access to adjacent parcel(s) of land (e.g. on property line) for traffic safety. The commission shall also require common interior drives to serve more than one parcel, where appropriate for traffic safety. Such requirements may stipulate reserved rights-of-way in lieu of actual construction depending on present use of adjacent parcels. Where common driveways are required and constructed, a written agreement for the common use and maintenance of a shared access must be recorded in the Town Land Records.

10.3B.2 An access drive which only serves an individual parcel may be permitted by the Commission if the Commission is satisfied that the characteristics of the parcel and the proposed drive placement will accomplish the intent of these regulations to minimize traffic circulation congestion. Such characteristics should include at a minimum twice the minimum lot frontage between the proposed drive and the side lot lines of the parcel in application where they intersect with its lot frontage. All other appropriate traffic safety measures such as sight line clearance must also be satisfied.



10.3B.3 The applicant must demonstrate that the site design makes proper provision for pedestrian access and safety. All site plans shall provide for pedestrian walkways and circulation in parking areas and around buildings, and with surrounding properties as appropriate.

10.4 **Erosion and Sediment (E&S) Control Plan.** (7/10/85) Whenever plans for the proposed development show that it will result in the disturbance of more than one-half acre of land, the applicant will submit with the site plan an erosion and sediment control plan that presents, in mapped and narrative form, the measures to be taken to control erosion and sedimentation both during and after construction. The E&S plan shall be based on "Connecticut Guidelines for Soil Erosion and Sediment Control," available from the natural Resources Center of the Connecticut Department of Environmental Protection.

10.4.1 The E&S Control Plan shall include the following:

- a. Locations of areas to be stripped of vegetation.
- b. Locations of areas to be regraded and contour data indicating existing and proposed grades.
- c. A schedule of operations, including the sequence of major improvement phases such as clearing, grading, paving, installation of drainage features and the like.
- d. Seeding, sodding, or revegetation plans and specifications for all unprotected or unvegetated areas.
- e. Location, design and timing of structural control measures, such as diversions, waterways, grade stabilization structures, debris basins, and the like. The narrative shall indicate design criteria used in the design of control measures.
- f. A description of procedures to be followed to maintain sediment control measures.
- g. The plan map shall show the words: "Erosion and Sediment Control Plan Certified by Vote of the Voluntown Planning and Zoning Commission on (date)," and a space for the signature of the Chairman or Secretary of the Commission.

10.4.2 After review of the E&S Control Plan by the Commission or its designee, the Commission shall vote to certify that the plan is in compliance with these Regulations. (A vote of the Commission to approve a site plan shall imply approval of the E&S plan as well.)

10.4.3 The Commission, through its members, agents, and consultants, shall periodically inspect construction projects for which site plans have been approved to verify that E&S controls are consistent with the certified plan.

10.5 **Bond.** For all zoning permit approvals, (7/1/98) the Commission may require the applicant to post a bond to cover the cost of the site improvements, including the measures to be taken to control soil erosion and sedimentation. Such bond shall be in a form and amount satisfactory to the Commission.

10.6 **Time Limits.** Whenever the approval of a site plan is the only requirement remaining to be met under these Regulations, a decision concerning the approval of such site plan shall be rendered within sixty-five (65) days after receipt of such site plan. The applicant may consent to one or more extensions of such period, provided the total period of any such extension or extensions shall not exceed two further sixty-five (65) day periods, or may withdraw such plan.

10.7 **Site Plan Filing (Mylar) .** (3/15/01) The commission may require a mylar of a site plan to be filed in the office of the town clerk. Such determination shall be based on the need to document developments which propose new structure(s) and site re-grading to insure future compliance. Such plans shall, upon approval, be filed by the applicant in the office of the town clerk within ninety days of the expiration of the appeal period under Section 8-8 of the Connecticut General Statutes, or in the case of an appeal, within ninety days of the termination of such appeal. All such plans shall be delivered to the applicant for filing not less than thirty days after the time for taking an appeal from the action of the commission elapsed or termination of any appeal to the Court. No such plan shall be filed by the town clerk until its approval has been endorsed thereon by the chairman or secretary of the commission.

## **SECTION 11: SIGNS**

11.1 **General.** Sign regulations applying to all districts:

11.1.1 No sign or its illuminator shall, because of its size, shape, or method of illumination, be permitted to confuse or obstruct the view or effectiveness of any traffic sign or signal or in any way result in a hazard to the safe and efficient flow of vehicular traffic.

11.1.2 No sign shall advertise a product, service or activity other than that which is produced, provided or conducted on a the premises, except that no more than two (2) permanent directional signs shall be permitted off the premises, provided they conform to the other provisions of these Regulations.

11.1.3 No sign shall be equipped with flashing lights or movable parts.

11.1.4 The light source of an illuminated sign shall be shaded so as not to be viewed from off the premises.

11.1.5 No part of any sign shall project more than twenty-five (25') feet above the ground surface.

11.2 **Residential.** Signs permitted on residential lots:

11.2.1 One (1) sign, not exceeding two (2) square feet, identifying the occupant of the residence.

11.2.2 One (1) sign, not exceeding four (4) square feet and set back at least ten (10') feet from any property line, advertising a home business.(7/1/98)(3/15/01)

11.2.3 One (1) temporary sign of a contractor, builder, painter, or other artisan or a sign offering the premises for sale or lease, provided it shall not exceed four (4) square feet in size and be set back at least ten (10') feet from any property line.

**11.3 Non-Residential.** Signs permitted on non-residential lots:

11.3.1 No sign shall be closer than five (5') feet from any travel portion of any road or from any property line.

11.3.2 No sign located within fifty (50') feet of a road right-of-way shall be larger than thirty-two (32) square feet.

11.3.3 No free-standing sign shall exceed one hundred (100) square feet in size.

11.3.4 A sign on a wall or canopy or attached to a building may exceed one hundred (100) square feet in size, provided the building is at least fifty (50') feet from any road right-of-way, but in no case shall any sign exceed two hundred (200) square feet in area.

11.3.5 Each non-residential use or activity shall have no more than one (1) permanent sign, except that two (2) signs are permitted where the total combined area of the signs does not exceed the limits described in 11.3.1, 11.3.2, 11.3.3, and 11.3.4, above.

11.3.6 In any commercial or business complex or building containing two (2) or more activities, each individual use may have a sign, not exceeding twenty (20) square feet in size, attached to or projecting from the building, provided that such signs do not project more than ten (10') feet from the building. In addition, a commercial or business complex may have a directory sign no more than ten (10) feet wide, consisting of one sign no more than three (3') feet high identifying the complex and individual signs no more than one and one-half (1½') feet high identifying the individual activities. (8/17/92)

**11.4 Permits.** A building permit must be obtained for any sign exceeding thirty-two (32) square feet in size unless the design and location of such sign is shown on a site development plan as approved by the Commission.

## **SECTION 12: NON-CONFORMING USES, BUILDINGS AND LOTS**

**12.1 Buildings and Uses.** Any use or building lawfully existing at the time of the effective date of these Regulations and which is not in conformity with the provisions of these Regulations

shall be deemed a non-conforming use or building. Such use or building shall be permitted to continue provided it is not enlarged, abandoned for more than twelve (12) consecutive months, changed to another non-conforming use considered by the Commission to be more objectionable than the existing use, or destroyed beyond 50% of its fair market value.

12.1.1 When a building is located on a conforming lot and the building is non-conforming because it encroaches into a required yard, said building may be extended or expanded provided such extension or expansion does not further violate the yard requirement.

12.1.2 An accessory building may be located on a non-conforming lot without a variance provided the dimensional requirements of the district are complied with and provided the building is not larger than two hundred (200) square feet in area and ten (10') feet in height.

12.2 **Lots.** Any person who has, in good faith, acquired separate ownership of a lot prior to the effective date of these Regulations or any amendments thereto, which lot does not meet the area and lot width requirements of the district in which it is located, may use said lot for the purposes permitted in that district, provided all yard requirements can be met and the Sanitarian approves the provisions made for water supply and sewage disposal. (1/1/90)

### **SECTION 13: APPEALS AND VARIANCES**

13.1 Any person contesting the enforcement of these Regulations, or any person seeking a variance from the literal enforcement of these Regulations because conditions especially affecting a particular parcel of land but not affecting generally the district in which it is situated would result in exceptional difficulty or unusual hardship, may appeal for relief to the Zoning Board of Appeals of the Town of Voluntown.

13.1.1 Such appeal or request for variance shall be made on a form prescribed by the Board and available from the Zoning Enforcement Officer and shall be accompanied by a fee of \$175.00 to cover the costs related to the required public hearing. (1/1/90)(7/1/98)

13.1.2 No variance shall be effective until a copy thereof, certified by the Chairman or Secretary of the Zoning Board of Appeals, containing a description of the premises to which it relates and specifying the nature of such variance, including the zoning regulation which is varied in its application, and stating the name of the owner of record, is recorded in the land records of the Town of Voluntown. The Town Clerk shall index the same in the grantor's index under the name of the then record owner and the record owner shall pay for such recording.

### **SECTION 14: AMENDMENTS**

14.1 These Regulations may be amended by the Commission, after proper public notice and public hearing, in accordance with Section 8-3 of the General Statutes.

## **SECTION 15: SEPARABILITY**

15.1 Should any section or provision of these Regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of these Regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

## **SECTION 16: EFFECTIVE DATE**

16.1 These Regulations were effective on August 22, 1973. (8/17/92)